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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,352	08/29/2001	Michael F. Angelo	1662-40800 (P01-3609)	7091

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

BROWN, CHRISTOPHER J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/942,352	Applicant(s) ANGELO, MICHAEL F.	
	Examiner Christopher J. Brown	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38, 40-51, 64-67 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-40 is/are allowed.
- 6) ☒ Claim(s) 19-27, 41-51, 64-67, 69-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. As per the applicant's arguments regarding a control unit, and biometric authentication, the examiner directs the applicant to the Gennaro combination which teaches a biometric authentication system. In addition, JP 411229687A also has a control unit (abstract).

As per the applicant's argument regarding claim 28, this argument is persuasive, and claim 28 is currently listed as allowable over the art of record.

As per the applicant's argument with regards to a "server rack" and claim 64, the examiner directs the applicant to the rejection below, which now includes a rack securing computer equipment.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 41, and 64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 41 and 64 both use the term “associated” with reference to biometric sensors “associated” with devices and locks. The term associated interpreted in its broadest reasonable interpretation could be taken to mean a host of different things. The examiner recommends the applicant use language supported by and more geared towards the invention.

Claims 42-51 and 65-71 are rejected due to their dependence on rejected claims 41, and 64.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, 22, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cedillo US 6,364,439 in view of Swinger US 6,349,825 in view of JP 411229687A

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As per claim 19, Cedillo teaches a system for protecting electronic equipment, including a rack with computer storage components, (Col 2 lines 44-55 Fig 3). Cedillo teaches said system teaches a lock for preventing components from being accessed by unauthorized users, (Col 5 lines 2-16). Cedillo does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of Cedillo with the biometric access of Swinger, because the biometric access of swinger increases security.

The Cedillo-Swinger combination teaches a biometric lock securing a computer component, but does not teach a plurality of locks securing computer components.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Cedillo-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component biometrically.

As per claims 20, Swinger teaches using a fingerprint as biometric data, (Col 5 line 36).

As per claim 22, Swinger teaches an electromechanical lock, (Col 5 lines 35-40).

As per claims 25, 26 Swinger teaches unlocking said lock upon proper biometric authorization, (Col 5 lines 43-48).

As per claim 27, JP 411229687A teaches each lock is associated with a each computer components, (Fig 1).

Claims 21, 23, 24, and 64-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cedillo US 6,364,439 in view of Swinger US 6,349,825 in view of JP411229687 in view of Gennaro US 6,317,834.

As per claims 21, the previous Cedillo-Swinger combination teaches biometrics, but does not teach iris identification.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Cedillo-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component.

Gennaro teaches using an iris as biometric data, (Col 4 line 65).

It would be obvious to one of ordinary skill in the art to use iris data of Gennaro to access the lock of the Emerick-Swinger-JP411229687 combination because it allows multiple biometric access methods.

As per claims 23, and 24 the previous Cedillo-Swinger-JP411229687 combination does not disclose a biometric template.

As per claims 23, Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claims 24, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

It would have been obvious to one of ordinary skill in the art to incorporate the template of Gennaro with the biometric lock of Cedillo-Swinger-JP411229687 so that the lock could be accessed by a plurality of biometrically authorized users.

As per claim 64, Cedillo teaches a system for protecting electronic equipment, including a rack with computer storage components, (Col 2 lines 44-55 Fig 3). Cedillo teaches said system teaches a lock for preventing components from being accessed by unauthorized users, (Col 5 lines 2-16). Cedillo does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of Cedillo with the biometric access of Swinger, because the biometric access of swinger increases security.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Cedillo-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component biometrically.

Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20).

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It would have been obvious to one of ordinary skill in the art to add the data security of Gennaro to the physical security of the Cedillo-Swinger-JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

As per claim 65, Gennaro teaches that the control unit is remote to the computer system, (Fig 3).

As per claims 66, and 67, Cedillo teaches a rack for mounting computer storage equipment, (Col 2 lines 29-33, Fig 3).

As per claim 69 Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claim 70 Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

As per claim 71 Gennaro teaches using an iris as biometric data, (Col 4 line 65).

Claims 41-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Gennaro US 6,317,834 in view of Lee US 5,742,683 in view of Cedillo US 6,364,439

As per claim 41 Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20). Gennaro

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teaches a unit that performs a verification step to control whether the user gains access, (Col 5 lines 18-40).

Gennaro fails to teach logical access to more than 1 component.

Gennaro fails to teach allowing physical access.

Lee teaches using biometrics and granting access to different components based on said biometrics, (Col 7 lines 55-67, Col 8 lines 1-5, 17-24).

It would have been obvious to one of ordinary skill in the art to combine the biometric access system of Gennaro with the different components of Lee because this allows for multiple levels of security.

Cedillo teaches a system for protecting electronic equipment, including a rack with computer storage components, (Col 2 lines 44-55 Fig 3). Cedillo teaches said system teaches a lock for preventing components from being accessed by unauthorized users, (Col 5 lines 2-16). It would have been obvious to use the physical lock system of Cedillo with the previous biometric access Gennaro-Lee combination because it enhances the security of the system with physical locks.

As per claim 42 Gennaro teaches using a fingerprint as biometric data, (Col 4 line 65).

As per claim 43 Gennaro teaches using an iris as biometric data, (Col 4 line 65).

As per claims, 49, 51, Gennaro teaches that the computer device is a storage device, (database), (Col 4 lines 50-56).

As per claim 44, Gennaro teaches allowing access based on the biometric reading, (Col 2 lines 15-21).

As per claim 45, Gennaro teaches if the biometric reading does not match, preventing access, (Col 4 lines 50-55).

As per claims 46, and 69 Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claims 47, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

As per claims 48, Gennaro teaches permitting access to a computer device once the person is authenticated, (Col 2 lines 19-20).

As per claims 50, Gennaro teaches that the system does not authenticate the person, no access is allowed, (Col 4 lines 50-56).

Allowable Subject Matter

4. Independent Claim 28 contains allowable subject matter over the current art of record because it states a first user identity permitting logical access but not physical access, and

a second user identity permitting physical access but not logical access. Dependent claims 29-40 are allowable based upon independent claim 28.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Emerick US 6,418,014 teaches a security lock preventing removal of computer components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

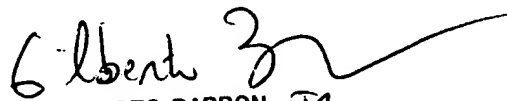
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Brown

2/6/05



GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100